

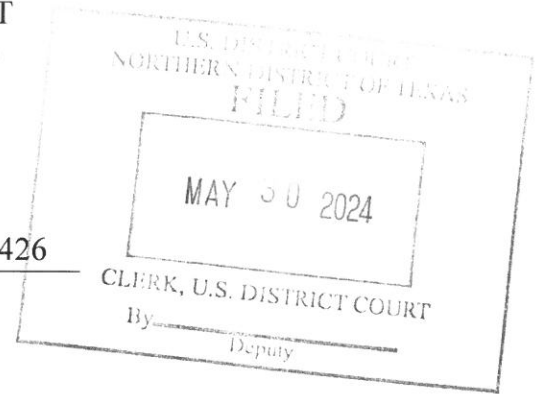
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

JASON CARVELL BANNER (01)

No. 4:24-MJ- 426



CRIMINAL COMPLAINT

I, Task Force Officer Philip Long, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Alleged Offense:

On or about October 19, 2023, in the Fort Worth Division of the Northern District of Texas, defendant, **Jason Carvell Banner**, knowingly and willfully violated National Defense Airspace, in violation of 49 U.S.C § 46307.

Agent Background:

1. I am a Federal Air Marshal assigned to the Federal Bureau of Investigation ("FBI") as a Task Force Officer ("TFO") and have been employed for 22 years. I have been assigned investigations of various crimes and federal offenses including crimes within the airport and aviation environment. Currently, I am assigned as an Airport Liaison Agent at the FBI's Dallas/Fort Worth International Airport ("DFW") Resident Agency investigating crimes in aviation. The statements set forth in this affidavit are true and correct to the best of my knowledge and belief but are not inclusive of all evidence or information in the case.

Probable Cause:

2. Title 49, United States Code, section 40103 (b)(3) requires the Administrator of the Federal Aviation Administration (“FAA”), in consultation with the Secretary of Defense, to establish areas in the airspace that the Administrator decides are necessary in the interest of national defense and by regulation or order, restrict or prohibit flight of civil aircraft that the Administrator cannot identify, locate, and control with available facilities in those areas. A temporary flight restriction (“TFR”) is a regulation that temporarily restricts certain aircraft from operating within a defined area in order to protect persons or property in the air or on the ground.

3. A NOTAM, also known as Notice to Air Mission (FAA definition), is a notice containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations. NOTAMs are issued and publicly available on the FAA website advising aviators of TSRs.

4. Pursuant to § 40103(b)(3), on January 2, 2020, the FAA established a TSR and issued NOTAM 0/0367, prohibiting all aircraft, including small, unmanned aircraft, from operating within a three nautical mile radius of any stadium with a seating capacity of 30,000 or more people during, among other events, regular or postseason Major League Baseball games. The TFR, also referred to as the “stadium TFR,” takes effect one hour before a qualifying event begins and remains in effect one hour after the event ends.

Pursuant to

§ 40103(b)(3), the FAA classifies the airspace defined in the stadium TFR as “National Defense Airspace.”

5. Title 49, United States Code, Section 46307 prohibits a person from knowingly or willfully violating 49 U.S.C. § 40103(b)(3), or a regulation prescribed, or order issued under § 40103(b)(3).

6. On the evening of October 19, 2023, the Texas Rangers hosted the Houston Astros at Globe Life Field for a Major League Baseball American League Championship Series game at 7:03 p.m. The game had an attendance of 42,060 people. During the game, Arlington Police Department (“APD”) Officers were working an off-duty position for the Texas Rangers Baseball club and assigned to bike patrol when they were dispatched to Rangers parking lot D in reference to a small Unmanned Aircraft System (“sUAS”) flying in restricted airspace. APD Officers were advised that Texas Rangers security was currently with the sUAS operator, who was later identified by his Texas driver license as **Jason Carvell Banner**, a Dallas resident.

7. **Banner** admitted to law enforcement to having a sUAS and flying it that evening. **Banner** then retrieved the sUAS from his vehicle and placed it on the hood for it to be examined by a FBI Special Agent. Upon further examination the sUAS was identified as a DJI Mini 3 Pro. The FBI Special Agent took possession of the sUAS and provided a receipt to **Banner**.

8. A search of FAA databases showed that **Banner** did not have an Airman's Certificate, nor had his sUAS been registered with the FAA, both of which were required by law and FAA regulations for **Banner** to lawfully operate his sUAS.

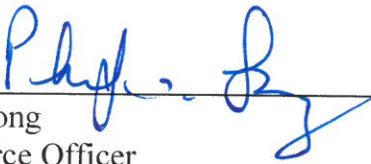
9. Law enforcement extracted stored data—including flight path data and photos—from **Banner's** sUAS pursuant to a federal search warrant. Photos of Globe Life Field on the day in question were located, as well as a photo above the stadium and photos of **Banner**.

10. I examined the flight path data extracted from **Banner's** sUAS and confirmed that it had flown in the Stadium TFR in violation of NOTAM 0/0367.

11. I know from my training and experience that the model of **Banner's** sUAS has a feature that alerts operators if they are in the area of restricted airspace. **Banner** would have had to acknowledge the Warning Zone before being able to operate his sUAS in the Stadium TFR on October 19, 2023. I therefore believe that **Banner** knowingly and willfully violated the TFR.

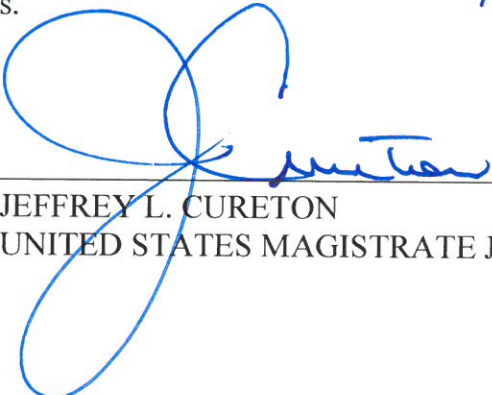
Conclusion:

12. Based upon the above facts and circumstances, I respectfully submit that there is probable cause to believe that **Jason Carvell Banner** knowingly and willfully violated National Defense Airspace, in violation of 49 U.S.C. § 46307.



Philip Long
Task Force Officer
Federal Bureau of Investigation

Subscribed and sworn to before me this 30th day of May 2024 at 1:24
pm in Fort Worth, Texas.



JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE